

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHNNY M. HUNT,

Plaintiff,

v.

SOUTHERN BAPTIST CONVENTION;  
GUIDEPOST SOLUTIONS LLC; and  
EXECUTIVE COMMITTEE OF THE  
SOUTHERN BAPTIST CONVENTION,

Defendants.

Case No. 3:23-cv-00243

Judge Campbell

Magistrate Judge Frensley

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**CROSS-MOTION TO COMPEL**

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Pursuant to 37 of the Federal Rules of Civil Procedure, Defendant Guidepost Solutions LLC (“Guidepost”), by and through its undersigned counsel, respectfully moves this Court to compel Plaintiff Johnny M. Hunt (“Hunt”) to (1) turn his phone and computer over to an IT professional to retrieve any deleted text messages, phone records, and emails with *each* of the witnesses identified in his initial disclosures and responses to Guidepost’s interrogatories, retrieve and produce them from the cloud if necessary and practicable, and report back to Guidepost and the Court; (2) produce documents that Hunt has admitted in his initial disclosures are in his possession but has failed to produce; (3) produce or explain the absence of metadata and/or missing email communications relating to that metadata; (4) supplement his privilege log to identify communications preceding the filing of his Complaint and supplement the privilege log based upon improper redactions; (5) supplement his document production to disclose pertinent evidence regarding his claim for emotional harm and monetary damages; (6) produce

documents regarding his so-called “restoration” to the ministry by the Hiland Park Baptist Church; and (7) supplement his responses to Guidepost’s requests for jurisdictional discovery.

As detailed more fully in the accompanying memorandum, although Hunt has admitted that he regularly used text messaging as a form of communication, he has not produced a single text message in response to Guidepost’s document requests—*because he admits that he deleted them at a time when he was under an obligation to preserve evidence*. Thus, serious concerns arise regarding spoliation of evidence. Hunt appears also to have withheld documents that he previously admitted having in his possession, custody, and control at the time he filed his initial disclosures under Rule 26. Other documents and/or metadata are inexplicably missing from the production, as are documents related to his purported rehabilitation and restoration to active ministry, which, in turn, are potentially relevant to Hunt’s account of the alleged sexual assault at issue in this libel action. Furthermore, Hunt willfully refuses to supply requested documents relating to his claim for emotional injury damages (even though he has asserted claims for intentional and negligent infliction of emotional distress) or to update documents relating to his claims for economic injury. He has also refused to provide jurisdictional discovery (*i.e.*, records of his travel and daily purchases), despite unresolved doubts regarding his state of domicile in an action he purported to file under the Court’s diversity jurisdiction.

As required by Local Rule 7.01, counsel for Guidepost certifies that following an exchange of letters between counsel, on January 30, 2024, they conferred in good faith with counsel for Hunt regarding the nature of this Motion, the issues raised in this Motion, and the relief requested in this Motion. Despite having met and conferred with counsel for Hunt regarding this discovery dispute, Guidepost and Hunt have been unable to resolve this discovery dispute without seeking the Court’s assistance. Guidepost and Hunt filed a Joint Discovery

Dispute Statement regarding the issues raised in this Motion on February 9, 2024. (ECF Doc. No. 119.)

Guidepost subsequently requested the scheduling of a telephonic discovery conference regarding the issues raised in this Motion to compel discovery, but no conference has yet been scheduled or occurred. Guidepost respectfully submits this Motion in the interests of seeking the Court's assistance in resolving this discovery dispute prior to the currently scheduled time for concluding fact discovery.

In support of this Motion, Guidepost relies upon the memorandum of law filed contemporaneously herewith, the Joint Discovery Dispute Statement filed by Hunt and Guidepost on February 9, 2024, and its attached exhibits which are adopted by reference. (ECF Doc. No. 119-1 to 119-7, 121-1 to 121-6 and Exhibit N filed herewith.)

For the foregoing reasons, as well as the reasons set forth in the accompanying Memorandum and the Joint Discovery Dispute Statement filed on February 9, 2024, (Doc. No. 119) and the accompanying exhibits, this Court should grant this Motion and enter an Order directing the relief described above. Pursuant to Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure, this Court should also award Guidepost its reasonable expenses, including attorney's fees, incurred in making this Motion.

Dated: February 14, 2024

Respectfully submitted,

/s/ John R. Jacobson

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served through the Court's electronic filing system on the following:

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on this 14th day of February, 2024.

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/s/ John R. Jacobson